

219-2

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-77-2018

Date of Decision: 13.05.2022

Vijay Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate,
for the petitioners.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The claim raised by the petitioners in the present writ petition is that they are entitled for revision of their pensionary benefits, w.e.f. 01.01.2006 or from the dates of their superannuation, as the case may be, keeping in view the law laid down by this Court in **CWP No. 25733 of 2012**, titled as ***“A.P. Sharma and others Vs. State of Punjab and others”***, decided on 22.10.2013.

Upon notice of motion, the respondents have appeared and in the reply filed, a plea has been taken that the judgment passed in ***A.P. Sharma's case*** (supra), relied upon by the petitioners to claim the benefit of re-fixation of their pensionary benefits, is under challenge in LPA No. 352 of 2014 and operation of the said order has been stayed and, therefore, no benefit of the said judgment can be extended to the petitioners.

Learned counsel for the respondents very fairly admits that

LPA No. 352 of 2014 has already been dismissed by the Division Bench

and the judgment passed by the co-ordinate Bench in *A.P. Sharma's case* (supra) has been upheld.

Learned counsel for the petitioners argues that after the dismissal of LPA No. 352 of 2014, the respondent-State of Punjab has issued Instructions dated 04.07.2019, whereby a direction has been given to the various departments to consider the case of all the eligible employees in pursuance to *A.P. Sharma's case* (supra) and pass appropriate orders regarding their claim.

Learned counsel for the petitioners argues that it will be appropriate that in case a direction is issued to the respondent-State to consider the claim of the petitioners keeping in view the law laid down by this Court in *A.P. Sharma's case* (supra) read with the Instructions dated 04.07.2019, issued by the Government of Punjab, in a time bound manner and pass appropriate orders regarding the claim of the petitioners for re-fixation of their pension.

Learned counsel for the respondents raises no objection for considering the claim of the petitioners, as being prayed by learned counsel for the petitioners, and passing appropriate order in a time bound manner.

Accordingly, a direction is issued to respondent No. 1 to consider claim of the petitioners for revision of their pensionary benefits keeping in view the law laid down by this Court in *A.P. Sharma's case* (supra) read with Instructions dated 04.07.2019, issued by the Government of Punjab, on the same subject and pass appropriate speaking order within a period of three months from the date of receipt of the certified copy of this order.

In case, after passing of the said order, it is found that petitioners are entitled for the benefits, as being claimed by them for re-fixation of their pension, the same be released to them within a further period of two months.

Writ petition is disposed of in above terms.

13.05.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No